



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,408	03/01/2004	Shelly D. Farnham	003797.00764	4967

28319 7590 10/30/2006

BANNER & WITCOFF LTD.,
ATTORNEYS FOR CLIENT NOS. 003797 & 013797
1001 G STREET, N.W.
SUITE 1100
WASHINGTON, DC 20001-4597

EXAMINER

TORIMIRO, ADETOKUNBO OLUSEGUN

ART UNIT	PAPER NUMBER
----------	--------------

3709

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,408

Applicant(s)

FARNHAM ET AL.

Examiner

Adetokunbo O. Torimiro

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03-01-2004, 07/19/2005
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 is dependent on itself. It seems to be dependent on claim 26 and has been treated as such.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8-15, 18-22, and 24-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Sparks II (US 6,352,479).

Re claim 1: Sparks II discloses a method for matching users over a network in an online/ *WWW* gaming environment, the method comprising steps of determining a

play style parameter of a requesting user, and connecting the requesting user to an online game based at least in part on the determined play style parameter. (see **Figs. 6A and 6B; col.5, lines 5-25**).

Re claim 2: Sparks II discloses the method of matching users, wherein the determining step (106, 108) comprises the steps of receiving a profile of the requesting user, and identifying the play style parameter of the requesting user in the profile. (see **Fig. 5A; col.5, lines 5-8**).

Re claim 3: Sparks II discloses the method of matching users, wherein the connecting steps includes the step (306) of determining whether the determined play style parameter matches a play style parameter requirement for the online game. (see **Fig. 11A; col.6, lines 21-31**).

Re claim 4: Sparks II discloses the method of matching users, further comprising the steps (114) of providing a list of online games with a play style parameter requirement that matches the determined play style parameter of the requesting user, and receiving a selection signal (116) representative of the online game from the list of online games (see **Figs. 5A and 5B; col.5, lines 26-39**).

Re claim 5: Sparks II discloses the method of matching users, wherein the determining step comprises the steps of providing a list of play style parameters,

and receiving a selection signal representative of the play style parameter from the list of play style parameters. (see col.3, lines 56-63; col.8, lines 24-31).

Re claim 6: Sparks II discloses the method of matching users, further comprising the steps of receiving a request to initiate a matchmaking service for the requesting user, receiving identification data of the requesting user, and retrieving a profile of the requesting user. (see Fig. 12; col.8, lines 39-51).

Re claim 8: Sparks II discloses the method of matching users, further comprising the steps (202, 204, 208) of determining whether a profile / *user name* exists for the requesting user, and loading the existing profile of the requesting user. (see Fig.6A; col.5, lines 56-67; col.6, lines 1-3).

Re claim 9: Sparks II discloses the method of matching users, further comprising the steps (112) of determining whether to create a new profile / *new preference* of the requesting user, and creating the new profile of the requesting user. (see Fig.5A; col.5, lines 20-25).

Re claim 10: Sparks II discloses the method further, comprising the steps (112) of receiving at least one parameter for the requesting user, and storing the at least one parameter in the new profile. (see Fig.5A; col.5; lines 22-25).

Re claim 11: Sparks II discloses the method wherein the at least one parameter includes the play style parameter of the requesting user. (see col.5, lines 22-23).

Re claim 12: Sparks II discloses the method of matching users, further comprising the steps of receiving a request to host the online game, receiving at least one parameter requirement for the online /WWW game, the at least one parameter requirement includes a play style parameter requirement, and determining whether the play style parameter of the requesting user matches the at least one parameter requirement for the online game. (see Figs. 6A and 6B; col.5, lines 5-25).

Re claim 13: Sparks II discloses the method of matching users, further comprising steps (210) of determining whether a profile of the requesting user is to be modified, and modifying the profile of the requesting user. (see Fig.6A; col.6, lines 3-17).

Re claim 14: Sparks II discloses the method further, wherein the step of determining whether the profile of the requesting user is to be modified includes a step of receiving data from a collaborative filtering/ *correlation* process. (see Fig.5A; col.6, lines 12-16).

Re claim 15: Sparks II discloses the method of matching users, wherein the step of connecting is based in part on a collaborative filtering method. (see Fig. 11A; col.6, lines 23-31).

Re claim 18: Sparks II discloses a matchmaking system for matching users over a network in an online gaming environment, the matchmaking system comprising a matchmaking server (12) configured to connect a requesting user to an online game based at least in part upon a matching parameter of the requesting user, and a database configured to store a profile of the requesting user, the profile including the matching parameter of the requesting user, wherein the profile is configured to include a play style parameter of the requesting user. (see Fig.4; col.4, lines 18-25; col.5, lines 26-39).

Re claim 19: Sparks II discloses the matchmaking system wherein the matching parameter is the play style parameter of the requesting user. (see col.6, lines 18-26).

Re claim 20: Sparks II discloses the matchmaking system, further comprising a computer (20) configured to process data based upon a collaborative filtering/*correlation* process. (see Fig. 2; col.6, lines 23-31).

Re claim 21: Sparks II discloses the matching system wherein the matchmaking server (12) includes the computer (20). (see Fig. 2; col.3, lines 14-18).

Re claim 22: Sparks discloses the matching system wherein the computer (20) is further configured to modify the profile of the requesting user responsive to processed data. (see **Fig. 2; col.6, lines 1-17**).

Re claim 24: Sparks II discloses the matching system wherein the matching parameter comprises one of technical capability, general skill level, personal attribute, and play style. (see **col.8, lines 41-56**).

Re claim 25: Sparks II discloses the matching system wherein the play style parameter of the requesting user is associated with a particular online game. (see **Fig. 11A and 11B; col.6, lines 18-33**).

Re claim 26: Sparks II discloses a method for matching a first player with a second player over a network in an online gaming environment, the method comprising steps of accessing a database maintaining data associated with a collaborative filtering method, applying the collaborative filtering method, and connecting the first and second players to an online game based at least in part on the collaborative filtering method. (see **Fig. 11A and 11B; col.4, lines 18-25; col.6, lines 23-33**).

Re claim 27: Sparks II discloses the method for matching, wherein the step (318) of applying includes the step of determining a likelihood of whether the second player is a good match for the first player. (see **Fig. 11B; col.7, lines 21-24**).

Re claim 28: Sparks II discloses the method for matching, wherein the step (318) of applying further includes the step of determining a likelihood of whether the first player is a good match for the second player. (see Fig. 11B; col.7, lines 21-24).

Re claim 29: Sparks II discloses the method further including the step (302) of determining a parameter of the first player. (see Fig. 11A; col.5, lines 5-14).

Re claim 30: Sparks II discloses the method, wherein the parameter is a play style parameter. (see Fig. 11A; col.5, lines 5-14).

Re claim 31: Sparks II discloses the method, wherein the step of accessing the database (34) includes the step of identifying a profile associated with the first player. (see Fig. 4; col.4, lines 23-25).

Re claim 32: Sparks II discloses the method, wherein the step (214) of applying the collaborative filtering / *correlation* method is based in part upon the parameter of the first player, wherein the parameter of the first player is maintained within the profile associated with the first player. (see Fig. 6B; col.6, lines 13-17).

Re claim 33: Sparks II discloses the method, wherein the step of applying the collaborative filtering method / *matching operation* is based at least in part upon a parameter of the second player / *other users*. (see col.6, lines 23-31).

Re claim 34: Sparks II discloses the method, wherein the step of applying the collaborative filtering method is based at least in part upon data representative of a previous response of the second player / *user*. (see col.6, lines 58-60).

Re claim 35: Sparks II discloses the method, wherein the step of applying the collaborative filtering method is based at least in part upon data representative of a previous response of a third player / *user*. (see col.6, lines 58-60).

Re claim 36: Sparks II discloses the method, wherein the previous response is an evaluation of the second player. (see Fig. 6A; col.7, lines 21-28).

Re claim 37: Sparks II discloses the method, wherein the previous response is an evaluation of the online / *WWW* game. (see Fig. 6A; col.5, lines 17-25).

5. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kume (US 6,203,433).

Re claim 16: Kume discloses a computer readable medium (11) having computer executable instructions for matching users over a network in an online gaming environment, the method comprising steps of determining a play style parameter / *common game queue* of a requesting user, and connecting the requesting user to an online / *network* game based at least in part on the determined play style parameter. (see Fig. 1; col.2, lines 15-26; col.4, lines 41- 48).

Re claim 17: Kume discloses the computer readable medium (11), the method further comprising steps of receiving a request to host the online / *network* game, receiving at least one parameter requirement for the online game, the at least one parameter requirement includes a play style parameter / *common game queue* requirement, and determining whether the play style parameter of the requesting user matches the at least one parameter requirement for the online / *network* game. (see Fig. 1; col.4, lines 46-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Shaw et al (US 2002/0083179). The teachings of Sparks have been discussed above.

Sparks II teaches the method for matching users over a network in an online gaming environment.

However, Sparks II fails to teach the method of matching wherein the play style parameter comprises one of a competitive parameter, a profanity parameter, a trash talking parameter, an aggressiveness parameter, playing likeability, and enacting the role.

Shaw et al teaches this matching method, wherein the play style parameter comprises one of a competitive parameter, a profanity parameter, a trash talking parameter, and an aggressiveness parameter / *aggressiveness behavior*. (see Fig.1; page 2, par.[0015]).

Therefore in view of Shaw et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the matching method of Sparks with Shaw et al's matching method so that users of the online gaming environment can play games with other players of the same behavior or parameter in real-time according to the collected behavior and parameter to make applications behave in a customized manner to enhance the user's experience.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lark et al discloses interactive game playing preferences; Nguyen et al discloses secured virtual network in a gaming environment; Oberberger et al discloses cashless transaction clearinghouse; Tsatalos et al discloses a computer database matching a user query to queries indicating the contents of individual database tables; Spagna et al teaches a method and system for securing local database file of local content stored on end-user system; Grimm et al discloses a network match maker; Perlman teaches a method and apparatus for automatically connecting devices to a local network; Hornsby et al discloses location based matchmaking using mobile access devices; Shirakawa et al teaches auction system and method.

Art Unit: 3709

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AOT


JONG SUK LEE
SUPERVISORY PATENT EXAMINER